

Applicant: Keegstra et al.
Application Serial No.: 10/748,943
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REMARKS

The application has been amended. Claim 7 has been amended to overcome the rejections raised by the Examiner. Reconsideration of the application is respectfully requested.

Independent claims 1 and 7 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,650,213 to Abbott et al. (hereinafter "Abbott"). This determination is respectfully traversed.

Abbott discloses a filled-projectile ammunition including a projectile 31 which is enclosed in a cartridge 11. The projectile 31 has a generally teardrop shape. The rounded nose section of the projectile is formed of moldable thermoplastic material, such as nylon and polypropylene. As described in the Abbott specification, the projectile 31 is hollow and is filled with a liquid filling 32. The projectile further includes fins 39 which allows for accuracy of flight of the fired projectile.

The present invention as recited in claims 1 and 7 is directed to an extended range munition having a projectile which includes a generally cylindrical body. The cylindrical body has a protruding member extending therefrom thereby increasing the weight of the body at the forward end.

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In comparing the Abbott disclosure with the claims of the present invention, it is clear that Abbott fails to disclose a projectile having a generally cylindrical body. The only projectile shown in Abbott is conical or as described in the Abbott specification "teardrop shape". The teardrop shaped projectile further includes fins which allow for accuracy in flight. This in no way approaches the generally cylindrically shaped body disclosed and claimed in the present invention. The present invention provides an extended range slug which is cylindrical in shape having a solid protruding forward end.

In addition to lacking the generally cylindrical shape, Abbott fails to show a projectile having a protruding solid forward end. The forward end of the Abbott projectile is hollow and accommodates a liquid filling therein.

Accordingly, claims 1 and 7 include specifically recited elements which are not found in the disclosure in Abbott. As such, as a matter of law, Abbott cannot anticipate claims 1 and 7 of the present invention.

It is, therefore, respectfully submitted that claims 1 and 7, as well as the claims which depend therefrom, define patentably over Abbott.

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Independent claim 1 further stands rejected under 35 U.S.C. §103(a) as being unpatentable over Abbott in view of U.S. Patent No. 5,353,712 to Olson. This determination is respectfully traversed.

As noted above, Abbott is deficient in that it fails to disclose a projectile having a generally cylindrical body. Moreover, Abbott fails to show a protruding solid head. The Olson reference fails to fill these deficiencies.

Olson rather than showing a cylindrical body, shows a circular two-piece body. Also, the two-piece body of Olson is generally hollow. Accordingly, at the very point at which Abbott is deficient, Olson fails to fill the deficiencies of Abbott.

The specific configuration of the generally cylindrical projectile of the present invention has been designed so as to conform to the size and shape of a conventional lead shotgun slug. More particularly, the forward end of the slug of the present invention has increased weight so as to define a weight distribution which is forwardly biased. This allows the slug to function as an accurate projectile when fired, with little or no distortion in its flight path over an extended range.

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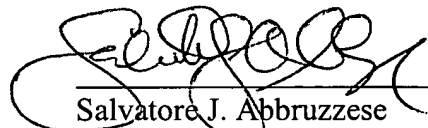
As can be appreciated from the Abbott disclosure, in order to obtain extended range accuracy, Abbott requires the use of a teardrop shape projectile with rearwardly positioned wings. Olson is silent on the accuracy of its pellet.

Accordingly, the combination of Abbott and Olson fails to disclose, teach or suggest the invention set forth in the claims of the present invention.

Having responded in full to the present Office Action, it is respectfully submitted that the application, including claims 1-12, is in condition for allowance. Favorable action thereon is respectfully solicited.

Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Salvatore J. Abbruzzese', written over a horizontal line.

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